

SECOND REGULAR SESSION

# HOUSE BILL NO. 1323

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE GRIESHEIMER.

Pre-filed December 21, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

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### AN ACT

To repeal sections 301.147, 307.366 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bills nos. 603, 722 and 783, ninetieth general assembly, first regular session, 307.366 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, 643.310, and 643.315, RSMo, and to enact in lieu thereof four new sections relating to motor vehicles.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 301.147, 307.366 as enacted by conference committee substitute for  
2 senate committee substitute for house committee substitute for house bills nos. 603, 722 and 783,  
3 ninetieth general assembly, first regular session, 307.366 as enacted by conference committee  
4 substitute for house substitute for senate substitute for senate committee substitute for senate bill  
5 no. 19, ninetieth general assembly, first regular session, 643.310, and 643.315, RSMo, are  
6 repealed and four new sections enacted in lieu thereof, to be known as sections 301.147,  
7 307.366, 643.310, and 643.315, to read as follows:

301.147. 1. Notwithstanding the provisions of section 301.020 to the contrary,  
2 beginning July 1, 2000, the director of revenue may provide owners of motor vehicles, other than  
3 commercial motor vehicles licensed in excess of twelve thousand pounds gross weight, the  
4 option of biennially registering motor vehicles. Any vehicle manufactured as an even-numbered  
5 model year vehicle shall be renewed each even-numbered calendar year and any such vehicle  
6 manufactured as an odd-numbered model year vehicle shall be renewed each odd-numbered

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

7 calendar year, subject to the following requirements:

8 (1) The fee collected at the time of biennial registration shall include the annual  
9 registration fee plus a pro rata amount for the additional twelve months of the biennial  
10 registration;

11 (2) Presentation of all documentation otherwise required by law for vehicle registration  
12 including, but not limited to, a personal property tax receipt or certified statement for the  
13 preceding year that no such taxes were due as set forth in section 301.025, proof of a motor  
14 vehicle safety inspection and any applicable emission inspection conducted within sixty days  
15 prior to the date of application and proof of insurance as required by section 303.026, RSMo[;

16 (3) For those motor vehicles owned by a person who resides in a county of the first  
17 classification without a charter form of government with a population of less than one hundred  
18 thousand inhabitants according to the most recent decennial census who chooses biennial  
19 registration pursuant to this section and who does not submit proof of an emission inspection  
20 pursuant to section 643.315, RSMo, but instead submits proof of an emission inspection pursuant  
21 to section 307.366, RSMo, the director of the department of revenue shall issue a motor vehicle  
22 registration tab valid only for one year. The year following issuance to a person of a motor  
23 vehicle registration tab valid only for one year, the director or the director's authorized designee  
24 shall, upon notification of any such person's completed emission inspection pursuant to section  
25 307.366, RSMo, by the department of natural resources or its designee, without further  
26 application or proof issue such person an additional motor vehicle registration tab valid for the  
27 remaining biennial period].

28 2. The director of revenue may prescribe rules and regulations for the effective  
29 administration of this section. The director is authorized to adopt those rules that are reasonable  
30 and necessary to accomplish the limited duties specifically delegated within this section. Any  
31 rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated  
32 pursuant to the authority delegated in this section shall become effective only if it has been  
33 promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536,  
34 RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to  
35 chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are  
36 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed  
37 or adopted after July 1, 2000, shall be invalid and void.

38 3. The director of revenue shall have the authority to stagger the registration period of  
39 motor vehicles other than commercial motor vehicles licensed in excess of twelve thousand  
40 pounds gross weight. Once the owner of a motor vehicle chooses the option of biennial  
41 registration, such registration must be maintained for the full twenty-four month period.

[307.366. 1. This enactment of the emissions inspection program is a

mandate of the United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In any city not within a county, any county of the first classification having a population of over nine hundred thousand inhabitants according to the most recent decennial census, any county of the first classification with a charter form of government and a population of not more than two hundred twenty thousand inhabitants and not less than two hundred thousand inhabitants according to the most recent decennial census, any county of the first classification without a charter form of government with a population of not more than one hundred eighty thousand inhabitants and not less than one hundred seventy thousand inhabitants according to the most recent decennial census and any county of the first classification without a charter form of government with a population of not more than eighty-two thousand inhabitants and not less than eighty thousand inhabitants according to the most recent decennial census certain motor vehicles shall be tested annually to determine that the emissions system is functioning within the emission standards as specified by the Missouri air conservation commission and as required to attain the national health standards for air quality. The motor vehicles to be tested shall be all motor vehicles except those specifically exempted pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350 and those exempted pursuant to this section.

2. The provisions of this section shall not apply to:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles;

(3) Model year vehicles prior to 1971;

(4) School buses;

(5) Diesel-powered vehicles;

(6) Motor vehicles registered in the area covered by this section but which are based and operated exclusively in an area of this state not subject to the provisions of this section if the owner of such vehicle presents to the director a sworn affidavit that the vehicle will be based and operated outside the covered area; and

(7) New motor vehicles not previously titled or registered prior to the initial motor vehicle registration or the next succeeding registration which is required by law. Each official inspection station which conducts safety or emissions inspections in a city or county referred to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor vehicle on the safety inspection certificate if the vehicle is exempt from the emissions inspection pursuant to subdivision (1) of this subsection.

3. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of this section either:

(a) With prior inspection and approval as provided in subdivision (2) of this subsection; or

(b) Without prior inspection and approval as provided in subdivision (3) of

45 this subsection.

46 (2) If the dealer chooses to sell the vehicle with prior inspection and  
47 approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle  
48 obtained approval by meeting the emissions standards established pursuant to this  
49 section or by obtaining a waiver pursuant to subsection 6 of this section. A vehicle  
50 sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected  
51 and approved within the one hundred twenty days immediately preceding the date of  
52 sale, and, for the purpose of registration of such vehicle, such inspection shall be  
53 considered timely.

54 (3) If the dealer chooses to sell the vehicle without prior inspection and  
55 approval, the purchaser may return the vehicle within fourteen days of the date of  
56 purchase, provided that the vehicle has no more than one thousand additional miles  
57 since the time of sale, if the vehicle fails, upon inspection, to meet the emissions  
58 standards specified by the commission and the dealer shall have the vehicle inspected  
59 and approved without the option for a waiver of the emissions standard and return the  
60 vehicle to the purchaser with a valid emissions certificate and sticker within five  
61 working days or the purchaser and dealer may enter into any other mutually  
62 acceptable agreement. If the dealer chooses to sell the vehicle without prior  
63 inspection and approval, the dealer shall disclose conspicuously on the sales contract  
64 and bill of sale that the purchaser has the option to return the vehicle within fourteen  
65 days, provided that the vehicle has no more than one thousand additional miles since  
66 the time of sale, to have the dealer repair the vehicle and provide an emissions  
67 certificate and sticker within five working days if the vehicle fails, upon inspection,  
68 to meet the emissions standards established by the commission, or enter into any  
69 mutually acceptable agreement with the dealer. A violation of this subdivisions shall  
70 be an unlawful practice as defined in section 407.020, RSMo. No emissions  
71 inspection shall be required pursuant to this section for the sale of any motor vehicle  
72 which may be sold without a certificate of inspection and approval, as provided  
73 pursuant to subsection 2 of section 307.380.

74 4. In addition to the fee authorized by subsection 5 of section 307.365, a fee,  
75 not to exceed eight dollars and fifty cents for inspections conducted prior to January  
76 1, 1993, and not to exceed ten dollars and fifty cents for inspections conducted  
77 thereafter, as determined by each official emissions inspection station located in any  
78 city or county described in subsection 1 of this section, may be charged for an  
79 automobile emissions and air pollution control inspection in order to attain the  
80 national health standards for air quality. Such fee shall be conspicuously posted on  
81 the premises of each such inspection station. The official emissions inspection  
82 station shall issue a certificate of inspection and an approval sticker or seal certifying  
83 the emissions system is functioning properly. The certificate or approval issued shall  
84 bear the legend: "This cost is mandated by your United States Congress.". No owner  
85 shall be charged an additional fee after having corrected defects or unsafe conditions  
86 in the automobile's emissions and air pollution control system if the reinspection is  
87 completed within twenty consecutive days, excluding Saturdays, Sundays and

118 holidays, and if such follow-up inspection is made by the station making the initial  
119 inspection.

120 5. The air conservation commission shall establish, by rule, a waiver amount  
121 which may be lower for older model vehicles and which shall be no greater than  
122 seventy-five dollars for model year vehicles prior to 1981 and no greater than two  
123 hundred dollars for model year vehicles of 1981 and all subsequent model years.

124 6. An owner whose vehicle fails upon reinspection to meet the emission  
125 standards specified by the Missouri air conservation commission shall be issued a  
126 certificate of inspection and an approval sticker or seal by the official emissions  
127 inspection station that provided the inspection if the vehicle owner furnishes a  
128 complete, signed affidavit satisfying the requirements of this subsection and the cost  
129 of emissions repairs and adjustments is equal to or greater than the waiver amount  
130 established by the air conservation commission pursuant to this section. The air  
131 conservation commission shall establish, by rule, a form and a procedure for  
132 verifying that repair and adjustment was performed on a failing vehicle prior to the  
133 granting of a waiver and approval. The waiver form established pursuant to this  
134 subsection shall be an affidavit requiring:

135 (1) A statement signed by the repairer that the specified work was done and  
136 stating the itemized charges for the work; and

137 (2) A statement signed by the inspector that an inspection of the vehicle  
138 verified, to the extent practical, that the specified work was done.

139 7. The department of revenue shall require evidence of the inspection and  
140 approval required by this section in issuing the motor vehicle annual registration in  
141 conformity with the procedure required by sections 307.350 to 307.370.

142 8. Each emissions inspection station located in any city or county described  
143 in subsection 1 of this section shall purchase from the highway patrol sufficient forms  
144 and stickers or other devices to evidence approval of the motor vehicle's emissions  
145 control system. In addition, emissions inspection stations may be required to  
146 purchase forms for use in automated analyzers from outside vendors of the inspection  
147 station's choice. The forms must comply with state regulations.

148 9. In addition to the fee collected by the superintendent pursuant to  
149 subsection 5 of section 307.365, the highway patrol shall collect a fee of seventy-five  
150 cents for each automobile emissions certificate issued to the applicable official  
151 emissions inspection stations, except that no charge shall be made for certificates of  
152 inspection issued to official emissions inspection stations operated by governmental  
153 entities. All fees collected by the superintendent pursuant to this section shall be  
154 deposited in the state treasury to the credit of the "Missouri Air Pollution Control  
155 Fund", which is hereby created.

156 10. The moneys collected and deposited in the Missouri air pollution control  
157 fund pursuant to this section shall be allocated on an equal basis to the Missouri state  
158 highway patrol and the Missouri department of natural resources, air pollution  
159 control program, and shall be expended subject to appropriation by the general  
160 assembly for the administration and enforcement of sections 307.350 to 307.390.

The unexpended balance in the fund at the end of each appropriation period shall not be transferred to the general revenue fund, except as directed by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to this fund.

The moneys in the fund shall be invested by the treasurer as provided by law, and the interest shall be credited to the fund.

11. The superintendent of the Missouri state highway patrol shall issue such rules and regulations as are necessary to determine whether a motor vehicle's emissions control system is operating as required by subsection 1 of this section, and the superintendent and the state highways and transportation commission shall use their best efforts to seek federal funds from which reimbursement grants may be made to those official inspection stations which acquire and use the necessary testing equipment which will be required to perform the tests required by the provisions of this section.

12. The provisions of this section shall not apply in any county for any time period during which the air conservation commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county.

13. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed a class C misdemeanor.]

307.366. 1. This enactment of the emissions inspection program is a mandate of the

United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In [any city not within a county, any county of the first classification having a population of over nine hundred thousand inhabitants according to the most recent decennial census, any county of the first classification with a charter form of government and a population of not more than two hundred twenty thousand inhabitants and not less than two hundred thousand inhabitants according to the most recent decennial census, any county of the first classification without a charter form of government with a population of not more than one hundred eighty thousand inhabitants and not less than one hundred seventy thousand inhabitants according to the most recent decennial census and any county of the first classification without a charter form of government with a population of not more than eighty-two thousand inhabitants and not less than eighty thousand inhabitants according to the most recent decennial census] **any portion of an area designated by the governor as a nonattainment area, as defined in the federal Clean Air Act, as amended, 42 U.S.C.A. Section 7501, and located within the area described in subsection 1 of section 643.305, RSMo,** certain motor vehicles shall be tested [annually] **and approved prior to sale or transfer and biennially thereafter** to determine that the emissions system is functioning within the emission standards as specified by the Missouri air conservation commission and as required to attain the national health standards for air quality. **For such biennial testing, any such vehicle manufactured as an even-numbered model year**

20 **vehicle shall be tested and approved in each even-numbered calendar year and any such**  
21 **vehicle manufactured as an odd-numbered model year vehicle shall be tested and approved**  
22 **in each odd-numbered calendar year.** The motor vehicles to be tested shall be all motor  
23 vehicles except those specifically exempted pursuant to subdivisions (1) to (3) of subsection 1  
24 of section 307.350 and those exempted pursuant to this section.

25 2. The provisions of this section shall not apply to:

26 (1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight  
27 thousand five hundred pounds;

28 (2) Motorcycles and motortricycles;

29 (3) Model year vehicles prior to 1971;

30 (4) School buses;

31 (5) Diesel-powered vehicles;

32 (6) Motor vehicles registered in the area covered by this section but which are based and  
33 operated exclusively in an area of this state not subject to the provisions of this section if the  
34 owner of such vehicle presents to the director a sworn affidavit that the vehicle will be based and  
35 operated outside the covered area;

36 (7) New **and unused** motor vehicles [not previously titled or registered prior to the  
37 initial motor vehicle registration or the next succeeding registration which is required by law],  
38 **of model years of the current calendar year and of any calendar year within two years of**  
39 **such calendar year, which have an odometer reading of less than six thousand miles at the**  
40 **time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to**  
41 **the first user;** and

42 (8) Motor vehicles owned by a person who resides in a county of the first classification  
43 without a charter form of government with a population of less than one hundred thousand  
44 inhabitants according to the most recent decennial census [who has chosen to have a biennial  
45 motor vehicle registration pursuant to section 301.147, RSMo, and] who has completed an  
46 emission inspection pursuant to section 643.315, RSMo.

47

48 Each official inspection station which conducts [safety or] emissions inspections [in a city or  
49 county] **within the area** referred to in subsection 1 of this section shall indicate the gross vehicle  
50 weight rating of the motor vehicle on the [safety] inspection certificate if the vehicle is exempt  
51 from the emissions inspection pursuant to subdivision (1) of this subsection.

52 3. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550,  
53 RSMo, may choose to sell a motor vehicle subject to the inspection requirements of this section  
54 either:

55 (a) With prior inspection and approval as provided in subdivision (2) of this subsection;

56 or

57 (b) Without prior inspection and approval as provided in subdivision (3) of this  
58 subsection.

59 (2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer  
60 shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the  
61 emissions standards established pursuant to this section or by obtaining a waiver pursuant to  
62 subsection 6 of this section. A vehicle sold pursuant to this subdivision by a licensed motor  
63 vehicle dealer shall be inspected and approved within the one hundred twenty days immediately  
64 preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection  
65 shall be considered timely.

66 (3) If the dealer chooses to sell the vehicle without prior inspection and approval, the  
67 purchaser may return the vehicle within ten days of the date of purchase, provided that the  
68 vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails,  
69 upon inspection, to meet the emissions standards specified by the commission and the dealer  
70 shall have the vehicle inspected and approved without the option for a waiver of the emissions  
71 standard and return the vehicle to the purchaser with a valid emissions certificate and sticker  
72 within five working days or the purchaser and dealer may enter into any other mutually  
73 acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and  
74 approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the  
75 purchaser has the option to return the vehicle within ten days, provided that the vehicle has no  
76 more than one thousand additional miles since the time of sale, to have the dealer repair the  
77 vehicle and provide an emissions certificate and sticker within five working days if the vehicle  
78 fails, upon inspection, to meet the emissions standards established by the commission, or enter  
79 into any mutually acceptable agreement with the dealer. A violation of this [subdivisions]  
80 **subsection** shall be an unlawful practice as defined in section 407.020, RSMo. No emissions  
81 inspection shall be required pursuant to this section for the sale of any motor vehicle which may  
82 be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of  
83 section 307.380.

84 4. [In addition to the fee authorized by subsection 5 of section 307.365,] A fee, not to  
85 exceed [eight dollars and fifty cents for inspections conducted prior to January 1, 1993, and not  
86 to exceed ten dollars and fifty cents for inspections conducted thereafter, as determined by each  
87 official emissions inspection station located in any city or county described in subsection 1 of  
88 this section,] **twenty-four dollars** may be charged for an automobile emissions and air pollution  
89 control inspection in order to attain the national health standards for air quality. Such fee shall  
90 be conspicuously posted on the premises of each such inspection station. The official emissions  
91 inspection station shall issue a certificate of inspection and an approval sticker or seal certifying



92 the emissions system is functioning properly. The certificate or approval issued shall bear the  
93 legend: "This cost is mandated by your United States Congress.". No owner shall be charged  
94 an additional fee after having corrected defects or unsafe conditions in the automobile's  
95 emissions and air pollution control system if the reinspection is completed within twenty  
96 consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up inspection  
97 is made by the station making the initial inspection.

98 5. The air conservation commission shall establish, by rule, a waiver amount which may  
99 be lower for older model vehicles and which shall be no greater than seventy-five dollars for  
100 model year vehicles prior to 1981 and no greater than two hundred dollars for model year  
101 vehicles of 1981 and all subsequent model years.

102 6. An owner whose vehicle fails upon reinspection to meet the emission standards  
103 specified by the Missouri air conservation commission shall be issued a certificate of inspection  
104 and an approval sticker or seal by the official emissions inspection station that provided the  
105 inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements  
106 of this subsection and the cost of emissions repairs and adjustments is equal to or greater than  
107 the waiver amount established by the air conservation commission pursuant to this section. The  
108 air conservation commission shall establish, by rule, a form and a procedure for verifying that  
109 repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and  
110 approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

111 (1) A statement signed by the repairer that the specified work was done and stating the  
112 itemized charges for the work; and

113 (2) A statement signed by the inspector that an inspection of the vehicle verified, to the  
114 extent practical, that the specified work was done.

115 7. The department of revenue shall require evidence of the inspection and approval  
116 required by this section in issuing the motor vehicle annual registration in conformity with the  
117 procedure required by sections 307.350 to 307.370.

118 8. Each emissions inspection station located in [any city or county] **the area** described  
119 in subsection 1 of this section shall purchase from the highway patrol sufficient forms and  
120 stickers or other devices to evidence approval of the motor vehicle's emissions control system.  
121 In addition, emissions inspection stations may be required to purchase forms for use in  
122 automated analyzers from outside vendors of the inspection station's choice. The forms must  
123 comply with state regulations.

124 9. In addition to the fee collected by the superintendent pursuant to subsection 5 of  
125 section 307.365, the highway patrol shall collect a fee of seventy-five cents for each automobile  
126 emissions certificate issued to the applicable official emissions inspection stations, except that  
127 no charge shall be made for certificates of inspection issued to official emissions inspection

128 stations operated by governmental entities. All fees collected by the superintendent pursuant to  
129 this section shall be deposited in the state treasury to the credit of the "Missouri Air Pollution  
130 Control Fund", which is hereby created.

131 10. The moneys collected and deposited in the Missouri air pollution control fund  
132 pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol  
133 and the Missouri department of natural resources, air pollution control program, and shall be  
134 expended subject to appropriation by the general assembly for the administration and  
135 enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of  
136 each appropriation period shall not be transferred to the general revenue fund, except as directed  
137 by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating  
138 to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply  
139 to this fund. The moneys in the fund shall be invested by the treasurer as provided by law, and  
140 the interest shall be credited to the fund.

141 11. The superintendent of the Missouri state highway patrol shall issue such rules and  
142 regulations as are necessary to determine whether a motor vehicle's emissions control system is  
143 operating as required by subsection 1 of this section, and the superintendent and the state  
144 highways and transportation commission shall use their best efforts to seek federal funds from  
145 which reimbursement grants may be made to those official inspection stations which acquire and  
146 use the necessary testing equipment which will be required to perform the tests required by the  
147 provisions of this section.

148 12. The provisions of this section shall not apply in any county for any time period  
149 during which the air conservation commission has established a motor vehicle emissions  
150 inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county, except  
151 where motor vehicle owners have the option of biennial testing pursuant to chapter 643, RSMo.  
152 In counties where such option is available, the emissions inspection may be conducted in stations  
153 conducting only an emissions inspection under contract to the state.

154 13. Notwithstanding the provisions of section 307.390, violation of this section shall be  
155 deemed a class C misdemeanor.

643.310. 1. The commission may, by rule, establish a motor vehicle emissions  
2 inspection program pursuant to sections 643.300 to 643.355 for any portion of a nonattainment  
3 area located within the area described in subsection 1 of section 643.305, except for any portion  
4 of the nonattainment area which is located in a county of the first classification without a charter  
5 form of government with a population of less than one hundred thousand inhabitants according  
6 to the most recent decennial census, except that the commission may establish a motor vehicle  
7 emissions inspection program pursuant to sections 643.300 to 643.355 in such county only for  
8 motor vehicles owned by residents of such county who have chosen to [have a biennial motor

9 vehicle registration pursuant to section 301.147, RSMo, if the commission determines that such  
10 motor vehicle emissions inspection program is necessary in that area to comply with the  
11 requirements of subsection 1 of section 643.305] **participate in such a program in lieu of the**  
12 **provisions of section 307.366, RSMo.** The commission shall ensure that, for each  
13 nonattainment area, the state implementation plan established pursuant to subsection 1 of section  
14 643.305 incorporates and receives all applicable credits allowed by the United States  
15 Environmental Protection Agency for emission reduction programs in other nonattainment areas  
16 of like designation in other states. The commission shall ensure that emission reduction amounts  
17 established pursuant to subsection 2 of section 643.305 shall be consistent with and not exceed  
18 the emissions reduction amounts required by the United States Environmental Protection Agency  
19 for other nonattainment areas of like designation in other states. No motor vehicle emissions  
20 inspection program shall be required to comply with subsection 1 of section 643.305 unless the  
21 plan established thereunder takes full advantage of any changes in requirements or any  
22 agreements made or entered into by the United States Environmental Protection Agency and any  
23 entity or entities on behalf of a nonattainment area concerning compliance with National  
24 Ambient Air Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq.,  
25 and the regulations promulgated thereunder. The air conservation commission shall request and  
26 it shall be the duty of the attorney general to bring, in a court of competent jurisdiction, an action  
27 challenging the authority of the United States Environmental Protection Agency to impose  
28 sanctions for failure to attain National Ambient Air Quality Standards and failure to provide for  
29 required emission reductions under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et  
30 seq. The action shall seek to define the required emission reductions and the credits allowed for  
31 current and planned emission reductions measures. The air conservation commission shall  
32 request and it shall be the duty of the attorney general to bring an action to obtain injunctive  
33 relief to enjoin and restrain the imposition of sanctions on the state of Missouri under the federal  
34 Clean Air Act, as amended, 42 U.S.C. 7401, et seq., until all actions initiated pursuant to this  
35 section have been decided. Provisions of section 307.366, RSMo, to the contrary  
36 notwithstanding, the requirements of sections 643.300 to 643.355 shall apply to those areas  
37 designated by the commission pursuant to this section in lieu of the provisions of section  
38 307.366, RSMo.

39 2. No later than the effective date of this section, the department of natural resources and  
40 the Missouri highway patrol shall enter into an interagency agreement covering all aspects of the  
41 administration and enforcement of section 307.366, RSMo, and sections 643.300 to 643.355.

42 3. (1) The department, with the cooperation and approval of the commissioner of  
43 administration, shall select a person or persons to operate an inspection facility or inspection  
44 program pursuant to sections 643.300 to 643.355, under a bid procedure or under a negotiated

45 process or a combination thereof based on criteria and expectations established by the  
46 department. This process may use either a licensing arrangement or contractual arrangement with  
47 the selected party or parties. The selection of persons to operate inspection facilities or  
48 inspection programs shall be exempt from the provisions of all site procurement laws. The  
49 number of locations shall be no less than the number needed to provide adequate service to  
50 customers and establish an emissions inspection program which satisfies the requirements of this  
51 section. Each person who is authorized to operate a station pursuant to this section shall be  
52 capable of providing adequate and cost-effective service to customers.

53 (2) Service management, coordination and data processing may be provided by the  
54 department or by another person, including a contractor or licensee, based upon the most  
55 cost-effective proposal for service.

56 (3) A license or contract shall be for a period of up to seven years, consistent with the  
57 provisions of article IV, section 28 of the Missouri Constitution, and licenses or contracts shall  
58 be annually reviewed. A license or contract may be suspended or revoked if the licensee or  
59 contractor is not meeting the conditions of sections 643.300 to 643.355, all applicable rules, the  
60 license agreement or contract as determined by the department. A licensee or contractor found  
61 to have violated sections 643.300 to 643.355, applicable rules or the conditions of the license  
62 agreement or contract shall be in violation of section 643.151 and subject to the penalties  
63 provided thereunder.

64 4. The inspection program shall satisfy the following criteria:

65 (1) There shall be an adequate number of stations to ensure that no more than twenty  
66 percent of all persons residing in an affected nonattainment area reside farther than five miles  
67 from the nearest inspection station, and consideration shall be given to employment, locations  
68 and commuting patterns when selecting the locations of the stations;

69 (2) There shall be an adequate number of inspection lanes at each facility so that no more  
70 than five percent of all persons having an inspection are required to wait more than fifteen  
71 minutes before the inspection begins;

72 (3) The days and daily hours of operation shall include at least those hours specified by  
73 the department, which shall include, at a minimum, twelve continuous hours of operation on all  
74 weekdays excepting federal holidays, and six continuous hours of operation on all Saturdays  
75 excepting federal holidays;

76 (4) The emissions inspection program shall include a simulated on-road emissions  
77 inspection component, including pressure and purge tests, which satisfies the requirements  
78 established by regulation of the United States Environmental Protection Agency and may include  
79 a visual inspection component;

80 (5) The inspection stations shall be test-only stations and shall not offer motor vehicle

81 emissions repairs, parts or services of any kind;

82 (6) No person operating or employed by an emissions inspection station shall repair or  
83 maintain motor vehicle emission systems or pollution control devices for compensation of any  
84 kind.

85 5. The commission, the department of economic development and the office of  
86 administration shall, in cooperation with the minority business advocacy commission, select the  
87 contractor or contractors to provide an inspection program which satisfies the minimum  
88 requirements of this section in accordance with the requirements of section 33.752, RSMo, and  
89 chapter 34, RSMo. The commission, the office of administration and the department of  
90 economic development, in cooperation with the minority business advocacy commission shall  
91 ensure adequate minority business participation in the selection of the contractor or contractors  
92 to provide an inspection program pursuant to this section. The commission, the office of  
93 administration and the department of economic development shall ensure adequate participation  
94 of Missouri businesses in the selection of the contractor or contractors to provide an inspection  
95 program pursuant to this section.

96 6. With approval of the commission and pursuant to rules adopted by the commission,  
97 an organization whose members are motor vehicle dealers or leasing companies may establish  
98 one or more additional emissions inspection facilities, which may be either mobile or stationary,  
99 to be used solely to inspect motor vehicles owned and held for sale or lease by the members of  
100 the organization. With approval of the commission and pursuant to rules adopted by the  
101 commission, any person operating a fleet of five hundred or more motor vehicles may establish  
102 one or more additional emissions inspection facilities, which may be either mobile or stationary,  
103 to be used solely to inspect motor vehicles owned or leased and operated by the person  
104 establishing the facility. The inspections performed in facilities established pursuant to this  
105 subsection shall be performed by a contractor selected by the commission pursuant to this section  
106 and the contractor performing such inspections shall be responsible solely to the department and  
107 shall satisfy all applicable requirements of sections 643.300 to 643.355.

108 7. Any person who owns Missouri analyzer system emission inspection equipment as  
109 defined by rule, used to provide emissions inspections pursuant to section 307.366, RSMo, at  
110 a facility located in an area in which an emissions inspection program has been established  
111 pursuant to sections 643.300 to 643.355 may, within twelve months of the implementation of an  
112 emissions inspection program pursuant to sections 643.300 to 643.355, sell such equipment, to  
113 the department of natural resources at current market value as established by an independent  
114 appraisal provided that the equipment is fully functional and has been maintained according to  
115 all applicable manufacturer's specifications and procedures. The department shall purchase such  
116 equipment using funds appropriated for that purpose from the Missouri air emission reduction

117 fund. Any person who, prior to January 1, 1992, contracted to lease or lease purchase, or  
118 purchased by borrowing a portion of the funds secured by a chattel mortgage, Missouri analyzer  
119 system emission inspection equipment used to provide emissions inspections pursuant to section  
120 307.366, RSMo, at a facility located in an area in which an emissions inspection program has  
121 been established pursuant to sections 643.300 to 643.355, and has made all payments required  
122 under the contract, may, within twelve months of the implementation of an emissions inspection  
123 program pursuant to sections 643.300 to 643.355, request the department of natural resources  
124 to take possession of such equipment and assume all payment obligations owed on such  
125 equipment which obligations are not in excess of one hundred and twenty-five percent of the  
126 current market value as established by an independent appraisal, provided that the equipment is  
127 fully functional and has been maintained according to all applicable manufacturer's specifications  
128 and procedures. The department shall take possession of such equipment and pay such  
129 obligations using funds appropriated for that purpose from the Missouri air emission reduction  
130 fund.

131 8. If the governor applies to the administrator of the Environmental Protection Agency  
132 to require federal reformulated gasoline in nonattainment areas, nothing in sections 643.300 to  
133 643.355 shall prevent the storage of conventional gasoline in nonattainment areas which is  
134 intended for sale to agricultural, commercial or retail customers outside said nonattainment areas  
135 subject to reformulated gasoline.

136 9. The governor, the department of natural resources, and the commission shall work to  
137 ensure an orderly transition period in the nonattainment area for the introduction of reformulated  
138 gasoline. Priority shall be given to ensure the petroleum refiners ample time to organize,  
139 structure, and implement both the production and the delivery of reformulated gasoline to the  
140 nonattainment area, so that consumers will see an orderly, seamless market substitution.

643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which  
2 are domiciled, registered or primarily operated in an area for which the commission has  
3 established a motor vehicle emissions inspection program pursuant to sections 643.300 to  
4 643.355, which may include all motor vehicles owned by residents of a county of the first  
5 classification without a charter form of government with a population of less than one hundred  
6 thousand inhabitants according to the most recent decennial census who have chosen to [have  
7 a biennial motor vehicle registration pursuant to section 301.147] **participate in such a**  
8 **program in lieu of the provisions of section 307.366**, RSMo, shall be inspected and approved  
9 prior to sale or transfer. In addition, any such vehicle manufactured as an even-numbered model  
10 year vehicle shall be inspected and approved under the emissions inspection program established  
11 pursuant to sections 643.300 to 643.355 in each even-numbered calendar year and any such  
12 vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved

13 under the emissions inspection program established pursuant to sections 643.300 to 643.355 in  
14 each odd-numbered calendar year. All motor vehicles subject to the inspection requirements of  
15 sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when  
16 applicable, a valid emissions inspection certificate shall be presented at the time of registration  
17 or registration renewal of such motor vehicle.

18 2. No emission standard established by the commission for a given make and model year  
19 shall exceed the lesser of the following:

20 (1) The emission standard for that vehicle model year as established by the United States  
21 Environmental Protection Agency; or

22 (2) The emission standard for that vehicle make and model year as established by the  
23 vehicle manufacturer.

24 3. The inspection requirement of subsection 1 of this section shall apply to all motor  
25 vehicles except:

26 (1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight  
27 thousand five hundred pounds;

28 (2) Motorcycles and motortricycles if such vehicles are exempted from the motor vehicle  
29 emissions inspection under federal regulation and approved by the commission by rule;

30 (3) Model year vehicles prior to 1971;

31 (4) Vehicles which are powered exclusively by electric or hydrogen power or by fuels  
32 other than gasoline which are exempted from the motor vehicle emissions inspection under  
33 federal regulation and approved by the commission by rule;

34 (5) Motor vehicles registered in an area subject to the inspection requirements of sections  
35 643.300 to 643.355 which are domiciled and operated exclusively in an area of the state not  
36 subject to the inspection requirements of sections 643.300 to 643.355, but only if the owner of  
37 such vehicle presents to the department an affidavit that the vehicle will be operated exclusively  
38 in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355  
39 for the next twenty-four months, and the owner applies for and receives a waiver which shall be  
40 presented at the time of registration or registration renewal;

41 (6) New and unused motor vehicles, of model years of the current calendar year and of  
42 any calendar year within two years of such calendar year, which have an odometer reading of less  
43 than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed  
44 motor vehicle dealer to the first user; and

45 (7) Historic motor vehicles registered pursuant to section 301.131, RSMo.

46 4. The commission may, by rule, allow inspection reciprocity with other states having  
47 equivalent or more stringent testing and waiver requirements than those established pursuant to  
48 sections 643.300 to 643.355.

49           5. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550,  
50 RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections  
51 643.300 to 643.355 either:

52           (a) With prior inspection and approval as provided in subdivision (2) of this subsection;  
53 or

54           (b) Without prior inspection and approval as provided in subdivision (3) of this  
55 subsection.

56           (2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer  
57 shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the  
58 emissions standards established pursuant to sections 643.300 to 643.355 or by obtaining a waiver  
59 pursuant to section 643.335. A vehicle sold pursuant to this subdivision by a licensed motor  
60 vehicle dealer shall be inspected and approved within the one hundred twenty days immediately  
61 preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection  
62 shall be considered timely.

63           (3) If the dealer chooses to sell the vehicle without prior inspection and approval, the  
64 purchaser may return the vehicle within ten days of the date of purchase, provided that the  
65 vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails,  
66 upon inspection, to meet the emissions standards specified by the commission and the dealer  
67 shall have the vehicle inspected and approved without the option for a waiver of the emissions  
68 standard and return the vehicle to the purchaser with a valid emissions certificate and sticker  
69 within five working days or the purchaser and dealer may enter into any other mutually  
70 acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and  
71 approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the  
72 purchaser has the option to return the vehicle within ten days, provided that the vehicle has no  
73 more than one thousand additional miles since the time of sale, to have the dealer repair the  
74 vehicle and provide an emissions certificate and sticker within five working days if the vehicle  
75 fails, upon inspection, to meet the emissions standards established by the commission, or enter  
76 into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be  
77 an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be  
78 required pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle which may  
79 be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of  
80 section 307.380, RSMo.